

08-963-CD  
LVNV Funding vs Burton Coulter

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIALVNV FUNDING LLC

(Plaintiff)

c/o Apothaker &amp; Associates, P.C.

2417 Welsh Road, Suite 21 #520

(Street Address)

Philadelphia, PA 19114

(City, State, ZIP)

## CIVIL ACTION

No. 08-963-CDType of Case: CIVILType of Pleading: PLEADING

VS.

BURTON COULTER

(Defendant)

604 E 8TH ST FL 1

(Street Address)

CLEARFIELD, PA 16830

(City, State, ZIP)

Filed on Behalf of:

LVNV FUNDINGLLC

(Plaintiff)

David J. Apothaker, Esq.  
Apothaker & Associates, P.C.

(Filed by)

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(Address)

215 634-8920

(Phone)

(Signature)

FILED

Atty pd. \$95.00

MAY 23 2008

1cc Atty

1cc Sheriff

William A. Shaw  
Prothonotary/Clerk of Courts

Our File No.: 160189  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker, Esq.  
Attorney I.D.#38423  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114  
(215) 634-8920  
Attorneys for Plaintiff

---

LVNV FUNDING LLC ) COURT OF COMMON PLEAS  
c/o Apothaker & Associates, P.C. ) CLEARFIELD COUNTY  
2417 Welsh Road, Suite 21 #520 )  
Philadelphia, PA 19114 ) NO.:  
Plaintiff, )  
vs. )  
BURTON COULTER )  
604 E 8TH ST FL 1 )  
CLEARFIELD, PA 16830 )  
Defendant. )  
\_\_\_\_\_  
)

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

#### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defendese de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparecencia escrita o con un abogado y entregar a la corte en forma escrita sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

CLEARFIELD COUNTY BAR ASSOCIATION  
Lawyer Referral and Information Service  
814-765-2641

APOTHAKER & ASSOCIATES, P.C.

BY: David J. Apothaker, Esq.

Attorney I.D.# 38423

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

(215) 634-8920

Attorneys for Plaintiff

LVNV FUNDING LLC

c/o Apothaker & Associates, P.C.

2417 Welsh Road, Suite 21 #520

Philadelphia, PA 19114

Plaintiff,

vs.

BURTON COULTER

604 E 8TH ST FL 1

CLEARFIELD, PA 16830

Defendant,

) COURT OF COMMON PLEAS

) CLEARFIELD COUNTY

) NO.:

CIVIL ACTION COMPLAINT

FIRST COUNT

1. Plaintiff is LVNV FUNDING LLC c/o Apothaker & Associates, P.C., 2417 Welsh Road, Suite 21 #520, Philadelphia, PA 19114.
2. Defendant(s) is/are BURTON COULTER, an adult individual residing at 604 E 8TH ST FL 1 CLEARFIELD, PA 16830.
3. Plaintiff, LVNV FUNDING LLC, is the Assignee and Successor in Interest of Account #1150065832638; and said account was issued to Defendant(s) by CITI-SEARS, the Original creditor.
4. Defendant received, accepted and used the account to its benefit.
5. This account is in default and Defendant(s) has an unpaid balance of \$1,749.18. A true and correct copy of the total due and owing is attached hereto, made a part hereof and marked as Exhibit "A".
6. All credits, if any, to which Defendant(s) is entitled, have been applied to the account and are included in Exhibit "A".
7. Although demand has been made, Defendant(s) has failed to make payment of the amount due as above.

WHEREFORE, Plaintiff demands judgment in favor of Plaintiff and against Defendant(s) for the sum of \$1,749.18 and requests this Court award Plaintiff attorney's fees and costs to the extent permitted by applicable law.

APOTHAKER & ASSOCIATES, P.C.  
Attorney for Plaintiff  
A Law Firm Engaged in Debt Collection

BY: \_\_\_\_\_

David J. Apothaker

Dated: 5/13/2008

Our File No.: 160189

**VERIFICATION**

David J. Apothaker, Esq. hereby states that I am counsel for plaintiff in this action, and that I am authorized to take this Verification, and that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.



\_\_\_\_\_  
David J. Apothaker  
Attorney for Plaintiff

DATE: 5/13/2008

LVNV FUNDING LLC  
c/o Apotheker & Associates, P.C.  
2417 Welsh Road, Suite 21 #520  
Philadelphia, PA 19114

BURTON COULTER  
604 E 8TH ST FL 1  
CLEARFIELD, PA 16830

STATEMENT OF ACCOUNT

Debtor's Name: BURTON COULTER

Account Number: 1150065832638

Original Creditor: CITI-SEARS

Balance Due: \$1,749.18

Our File No.: 160189

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-963-CD

LVNV FUNDING LLC  
vs  
BURTON COULTER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/22/2008

HEARING:

PAGE: 104210

DEFENDANT: BURTON COULTER  
ADDRESS: 604 E. 8TH ST., FL. 1  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

*first one on left gray*

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

*bradford Heights lot 128*  
**FILED**  
*0/11/08*  
*JUN 16 2008*

*LSN*  
William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS

*(per new tenants)  
he doesn't live  
there anymore poss. Woodland  
somewhere*

*now, 16th June 2008*

**SHERIFF'S RETURN**

AT 9:55 AM / PM SERVED THE WITHIN

COMPLAINT ON BURTON COULTER, DEFENDANT

BY HANDING TO Burton Coulter , Ref

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED Bradford Heights Lot 128 Woodland

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR BURTON COULTER

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO BURTON COULTER

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Dep. George F. Dehaven

Deputy Signature

*Dep. George F. Dehaven*  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104210  
NO: 08-963-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: LVNV FUNDING LLC  
vs.  
DEFENDANT: BURTON COULTER

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKER	90321	10.00
SHERIFF HAWKINS	APOTHAKER	90321	25.05

**FILED**  
13:15 cm  
SEP 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Chester A. Hawkins  
Sheriff

Our File No.: 160189

APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215

Attorney for Plaintiff

---

LVNV FUNDING LLC  
Plaintiff,  
vs.  
BURTON COULTER  
Defendant.

---

) COURT OF COMMON PLEAS OF  
 ) CLEARFIELD COUNTY  
 )  
 ) NO.: 08-963-CD  
 )  
 ) Civil Action  
 )

**PRAECLPICE FOR DEFAULT JUDGMENT**

TO THE PROTHONOTARY:

Kindly enter judgment against Defendant, BURTON COULTER, in the default of an Answer, in the amount of \$1,614.16 computed as follows:

Amount claimed in complaint:	\$1,749.18
Amount Paid:	- \$(350.00)
Interest from May 13, 2008 to 04/29/09 at the legal interest rate of 6.000 per annum	\$84.93
Costs	\$130.05
Attorney fees	<u>\$0.00</u>
 TOTAL	 \$1,614.16

I hereby certify that the appropriate Notices of Default, as attached have been mailed in accordance with Pa.R.Civ.P. 237.1 on the dates indicated on the Notices.

I certify Defendant, BURTON COULTER, last know address is 604 E 8TH ST FL 1 CLEARFIELD, PA 16830.

APOTHAKER & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
A Law Firm Engaged in Debt Collection

By:

David J. Apothaker

Dated: 4/29/2009

5 **FILED** Atty pd  
MAY 07 2009 20.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
S Notice to Def.  
100 Atty

Our File No.: 160189  
APOTHAKER & ASSOCIATES, P.C.  
BY: David J. Apothaker  
Attorney I.D.# 38423  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff

LVNV FUNDING LLC ) COURT OF COMMON PLEAS OF  
Plaintiff, ) CLEARFIELD COUNTY  
vs. )  
BURTON COULTER ) NO.: 08-963-CD  
Defendant. ) Civil Action

**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CLEARFIELD :

David J. Apothaker, being duly sworn according to law, deposes and says that I am the attorney for Plaintiff, and authorized to make this affidavit; that Defendant(s) resides at 604 E 8TH ST FL 1 CLEARFIELD, PA 16830.

We inquired with the web site of the Defense Manpower Data Center, located at 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209-2593, if the Defendant(s) is/are in any branch of the military.

Mary M. Snavely-Dixon, Director of the Defense Manpower Data Center has sent back our inquiry indicated that the Defendant(s) is/are not in the military.

\_\_\_\_\_  
David J. Apothaker  
Attorney for Plaintiff

The above signed understands that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



## Military Status Report

Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
COULTER	BURTON		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
 Department of Defense - Manpower Data Center  
 1600 Wilson Blvd., Suite 400  
 Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

**WARNING:** This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: BNNTPRCIXN

**OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

LVNV FUNDING LLC

vs.

BURTON COULTER

) COURT OF COMMON PLEAS  
 ) CLEARFIELD COUNTY  
 )  
 )  
 ) NO. 08-963-CD  
)

*J* To: BURTON COULTER  
604 E 8TH ST FL 1  
CLEARFIELD, PA 16830

**NOTICE, RULE 237.5**

**NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

Date of Notice: October 20, 2008

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
SECOND & MARKET STREETS  
CLEARFIELD, PA 16830  
814-765-2641

*[Signature]*  
DAVID J. APOTHAKER, ESQUIRE  
APOTHAKER & ASSOCIATES, PC  
A Law Firm Engaged in Debt Collection  
520 Fellowship Road C306  
Mount Laurel, NJ 08054  
(800) 672-0215  
Attorney for Plaintiff  
Attorney ID #38423

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-963-CD

LVNV FUNDING LLC  
vs  
BURTON COULTER

SERVICE # 1 OF 1

COMPLAINT

SERVE BY: 06/22/2008

HEARING:

PAGE: 104210

DEFENDANT: BURTON COULTER  
ADDRESS: 604 E. 8TH ST., FL. 1  
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

first one on left gray

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

(per new tenants) 6/10/08  
he doesn't live  
there anymore poss. Woodland  
somewhere

SHERIFF'S RETURN

NOW, 16th June 2008

AT 9:55 AM SERVED THE WITHIN

COMPLAINT ON BURTON COULTER, DEFENDANT

BY HANDING TO Burton Coulter, ReP

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED

Bradford Heights Lot 128 Woodland

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR BURTON COULTER

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO BURTON COULTER

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: DeP. George F. DeHaven  
Deputy Signature

DeP. George F. DeHaven  
Print Deputy Name

**OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS**

**COPY**

TO: **BURTON COULTER**  
604 E 8TH ST FL 1  
CLEARFIELD, PA 16830

LVNV FUNDING LLC ) COURT OF COMMON PLEAS OF  
Plaintiff, ) CLEARFIELD COUNTY  
vs. )  
BURTON COULTER ) NO.: 08-963-CD  
Defendant. ) Civil Action

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**NOTICE**

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

XX JUDGMENT BY DEFAULT  
       JUDGMENT IN REPLEVIN  
       JUDGMENT BY CONFESSION  
       JUDGMENT FOR POSSESSION  
       JUDGMENT ON AWARD OF ARBITRATORS  
       JUDGMENT ON VERDICT  
       JUDGMENT ON COURT FINDINGS  
       JUDGMENT ON WRIT OF REVIVAL

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY David J. Apotheker, Esq. at this telephone number: 215-634-8920

*Willie L. Shan* 5/17/09  
BD